

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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[www.montgomerycountymd.gov/content/council/boa/board.asp](http://www.montgomerycountymd.gov/content/council/boa/board.asp)

**Case No. S-2635**

**PETITION OF NEW COVENANT VILLAGE, LLC**

OPINION OF THE BOARD

(Opinion Adopted July 13, 2005)

(Effective Date of Opinion: August 4, 2005)

Case No. S-2635 is an application pursuant to Section 59-G-2.35 of the Zoning Ordinance to permit a special exception for housing and related facilities for senior adults.

The Hearing Examiner for Montgomery County convened a public hearing on the application on May 9, 2005. The record in the case closed on June 17, 2005, and on June 23, 2005, the Hearing Examiner issued a Report and Recommendation for approval of the special exception.

Decision of the Board:                      Special Exception **granted**, subject  
to the conditions enumerated below.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on July 13, 2005. After careful consideration, and a review of the record in the case, the Board adopts the Report and Recommendation, and grants the special exception with the following clarification, and subject to the following conditions:

The Board wishes to clarify that the special exception area consists of the 3.77 acre leasehold area depicted on Exhibit No. 12.

Conditions of Approval:

1. The Petitioner shall be bound by all of its testimony and exhibits of record, and by the testimony of its witnesses and representations of counsel

identified in the Hearing Examiner's Report and Recommendation and in the Board's opinion.

2. No more than eighty-nine apartment units are permitted in the proposed senior housing.
3. Petitioner shall seek amendment to the preliminary plan of subdivision (No. 1-97044 of July 1977) prior to the issuance of any building permits to insure that the preliminary plan makes provision for the possible location of a transit station for the Corridor Cities Transitway in the area, as may be required by the Montgomery County Planning Board.
4. Petitioner shall comply with Final Forest Conservation Plan No. 1-97044 of March 1999, and all applicable stormwater and sediment control regulations.
5. Upon its execution, a copy of the ground lease will be provided to the Board of Appeals.
6. Petitioner shall submit its planned signs for review by the Sign Review Board, and diagrams of the approved signs, as well as copies of any permits and/or waivers, shall be submitted to the Board of Appeals.
7. Petitioner shall obtain and maintain all appropriate licensing from Montgomery County and the State of Maryland for operation of an age-restricted, rental housing facility for independent seniors.
8. Petitioner shall construct, staff and operate this senior housing facility in accordance with all federal, state and local requirements.
9. Petitioner shall obtain a written agreement from the New Covenant Fellowship Church that the first three rows (a single row and two double rows) on the southeastern edge of the main church parking lot (approximately 39 spaces) will be marked and reserved for residents and visitors of the new senior housing. A copy of that agreement should be filed with the Board of Appeals within 60 days, but the terms need not be carried out until the new senior housing building is operational.

On a motion by Angelo M. Caputo, seconded by Donna L. Barron, with Louise L. Mayer, Wendell M. Holloway and Allison Ishihara Fultz, Chair in agreement, the Board adopted the following Resolution:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

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Allison Ishihara Fultz  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 4th day of August, 2005.

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Katherine Freeman  
Executive Secretary to the Board

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.